

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE COMPLAINT BY)	ORDER DENYING IN PART
CONSOLIDATED EDISON DEVELOPMENT, INC.)	AND GRANTING IN PART
AGAINST NORTHWESTERN CORPORATION)	MOTION TO EXCLUDE
DBA NORTHWESTERN ENERGY FOR)	NORTHWESTERN'S MAY 3
ESTABLISHING A PURCHASE POWER)	RESPONSE TO
AGREEMENT)	COMMISSIONER NELSON
)	
)	
)	EL16-021

On June 23, 2016, Juhl Energy, Inc. (Juhl) filed a Complaint with the South Dakota Public Utilities Commission (Commission) seeking resolution of a dispute with NorthWestern Corporation dba NorthWestern Energy (NorthWestern) regarding the proper avoided cost for a long-term electric power purchase agreement.

On June 30, 2016, the Commission electronically transmitted notice of the Complaint and the intervention deadline of July 25, 2016, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. On July 19, 2016, NorthWestern filed its Answer to the Complaint. No petitions to intervene were filed. On August 4, 2016, the parties filed a Joint Request for a Procedural Schedule. At its regularly scheduled meeting on August 16, 2016, the Commission established a Procedural Schedule.

On February 15, 2017, the Commission entered an Order Granting Motion to Amend Complaint that was filed by Consolidated Edison Development, Inc. (ConEd Development) making ConEd Development the complainant based on its acquisition of Juhl Energy Inc.'s interest in the three wind energy projects that are the subject of this docket.

On April 11, 2017 through April 12, 2017, an evidentiary hearing was held. On May 3, 2017, NorthWestern filed a response to Commissioner Nelson's inquiry. On May 17, 2017, ConEd Development filed a Motion to Exclude NorthWestern's May 3 Response to Commissioner Nelson (Motion).

The Commission has jurisdiction over this matter pursuant to the Public Utility Regulatory Policy Act of 1978, 16 U.S.C. § 824a-n, and SDCL Chapters 1-26, 49-13, and 49-34A.

The Commission considered the Motion at its regularly scheduled meeting on May 23, 2017. The Commission voted unanimously to deny in part and grant in part the Motion.

It is therefore

ORDERED, that Consolidated Edison Development's Motion is hereby denied as to paragraphs one through four of the response and granted as to the remaining paragraphs of the response.

Dated at Pierre, South Dakota, this 30th day of May, 2017.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail.

By:

Adam Detbeck

Date:

5/30/17

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Kristie Fiegen

KRISTIE FIEGEN, Chairperson

Gary Hanson

GARY HANSON, Commissioner

Chris Nelson

CHRIS NELSON, Commissioner